

6 FAM 130

PERFORMING TRAVEL

(TL:GS-59; 10-01-1999)

6 FAM 131 GENERAL POLICIES

6 FAM 131.1 Within Workweek

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

(Foreign And Civil Service)

Title 5, U.S.C., section 6101 b(2), establishes the U.S. Government-wide policy that, to the maximum extent practicable, the head of an agency shall schedule the time to be spent by an employee in official travel status within the employee's regularly scheduled workweek.

6 FAM 131.2 Routing

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Travel on official business shall be by the method of transportation which will result in the greatest advantage to the U.S. Government, considering cost and other factors. In selecting a particular method of transportation to be used, give consideration to energy conservation and to the total cost to the U.S. Government.

b. Travel by common carrier (air, rail, or bus) generally results in the most efficient use of energy resources and in the least costly and most expeditious performance of travel. Therefore, this method shall be used whenever it is reasonably available. Other methods of transportation may be authorized as advantageous only when the use of common carrier transportation would seriously interfere with the performance of official business or impose an undue hardship upon the traveler, or when the total cost by common carrier would exceed the cost by some other method of transportation. The determination that another method of transportation would be more advantageous to the U.S. Government than common carrier transportation shall not be made on the basis of personal preference or minor inconvenience to the traveler resulting from common carrier scheduling.

c. Selecting the most advantageous method of common carrier transportation.

(1) Contract air service. The use of discount fares offered by contract air carriers between certain cities (city-pairs) is considered advantageous to the U.S. Government (see 6 FAM 128.3).

(2) Rail or bus service. Rail or bus service may be used when determined to be advantageous to the U.S. Government, cost, energy and other factors considered, and when compatible with the requirements of the official travel. The use of contract or other discount fares offered to the U.S. Government by rail or bus carriers between selected cities (city-pairs) is considered advantageous. Whenever these discount fares are offered and the accompanying service will fulfill mission requirements, they should be used to the maximum extent possible.

(3) Surface transportation or a combination of air and surface is authorized, subject to the provisions of 6 FAM 131.4 and 6 FAM 131.3.

(4) Use of vessel transportation is authorized when use of air transportation by the traveler would be detrimental to the traveler's health or well-being (see 6 FAM 134.2-3).

(5) Alternatively, travel by vessel may be permitted, provided travel expenses (including per diem, incidental expenses, fare, and travel time) are limited to those which would accrue by authorized air travel. Leave is charged for excess travel time.

(6) Ferry travel is authorized when expedient and necessary to the mission.

(7) Travel by privately-owned vehicle is governed by 6 FAM 146.

6 FAM 131.3 Using U.S.- and Foreign Flag Vessels

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

In accordance with the Merchant Marine Act of 1936, all travel and transportation of effects shall be on vessels registered under the laws of the United States where such vessels are available unless the necessity of the mission requires the use of vessels under a foreign flag. Exceptions to the use of U.S.-flag vessels are provided in 6 FAM 134.2.

NOTE: Although Executive Order 11223 dated May 12, 1965, exempts USAID from section 901 of the Merchant Marine Act of 1936, this exemption shall not be exercised by USAID in connection with this regulation.

6 FAM 131.4 Using U.S.-Flag Air Carriers

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. The Fly America Act, 49 U.S.C. 1517, as amended by Section 21 of Pub. L. 96-192, February 15, 1980, 94 Stat. 43, establishes as a legal requirement that all U.S. Government-financed air travel be performed on U.S.-flag air carriers unless such travel by foreign air carrier is a matter of necessity as defined in 6 FAM 135.1 or when U.S.-flag carrier air service is not available within the guidelines of 6 FAM 135. The relevant Comptroller General Guidelines for implementing this Act are found in B-138942, March 31, 1981 (; see 6 FAM 135.6 for travel between two points abroad).

b. A code share flight is one in which a U.S. carrier has been approved by the Department of Transportation (DOT) to fly between two points, and the U.S. carrier has chosen to lease seats from a foreign carrier rather than put its own airplane on the route. Code share flights, in most cases, qualify as available U.S.-flag air carrier service (see 6 FAM 135.15 for more information).

c. In the case of travel between two points abroad, Section 706 of the Foreign Relations Authorization Act, fiscal year 1979 (Pub. L. 95-426, 92 Stat. 992), provides that notwithstanding Section 1117 of the Fly America Act (49 U.S.C. 1517), U.S. Government-financed air travel by officers and employees of State, USAID, and Commerce, their eligible family members, and accompanying baggage may be performed on foreign-flag air carriers between two places both of which are outside the United States.

6 FAM 131.5 Authorities

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

In addition to the authorities listed in 6 FAM 111.4, 6 FAM 130 refers to the following authorities:

- (1) Merchant Marine Act of 1936;
- (2) Fly America Act, 49 U.S.C. 1517, as amended by Section 21 of *Pub. L. 96-192*, February 15, 1980, 94 Stat. 43;
- (3) 49 U.S.C. Sec. 1502(b);
- (4) 49 U.S.C. App. Sec. 1518 (*Pub. L. 95-426*, 92 Stat. 992);
- (5) Title 5, U.S.C., section 6101 b(2); *and*

(6) Comptroller General Decisions:

- B-118904, 6/29/54;
- B-181352, 10/8/74;
- B-202413, 11/16/81;
- B-218819, 10/30/85;
- B-2330371, 4/5/88;
- B-232576, 8/24/89.

6 FAM 132 DIRECT AND INDIRECT TRAVEL

6 FAM 132.1 Direct Travel

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

All official travel must be by a usually traveled route, referred to as "direct travel," or "direct route" (see 6 FAM 111.3, paragraph n). A usually traveled route is one or more routes which are essentially the same in travel time and cost to the U.S. Government. See 6 FAM 111.1 for a listing of types of official travel.

6 FAM 132.2 Indirect Travel

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

See 6 FAM 111.3, paragraph bb.

6 FAM 132.2-1 Personal Financial Responsibility

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

When a traveler deviates from a usually traveled route for personal convenience, the traveler must bear the extra expense for the portion of the journey which is by an indirect route or for accommodations superior to those authorized.

6 FAM 132.2-2 Reimbursement Limitations

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

a. Reimbursement for costs incurred on that portion of the journey which is traveled by an indirect route is limited to the total cost of per diem, incidental expenses, and transportation by less than premium-class air accommodations (regardless of mode of travel used in indirect travel, except as provided in paragraph e below), which would have been incurred by traveling on a usually traveled route.

b. In no case may reimbursement for indirect travel exceed the allowable costs actually incurred for such indirect travel.

c. Leave is charged for any excess travel time. (See 6 FAM 144 requiring use of round-trip tickets, through tickets, etc.).

d. Reimbursement for excess baggage carried on indirect air travel is limited to the costs by a usually traveled route for excess weight actually carried upon departure from point of origin or 10 kilograms or 22 pounds, whichever is lesser.

e. When travel is authorized and actually performed by privately-owned vehicle, reimbursement is limited to the total cost of per diem and mileage which would have been incurred by direct travel (; see 6 FAM 146.2-1).

6 FAM 133 DELAYED AND INTERRUPTED TRAVEL

6 FAM 133.1 Interrupted Travel on a Usually Traveled Route

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

Direct travel may be interrupted for the convenience of the traveler. The employee is charged annual leave, if available, or approved leave without pay for excess time spent, and shall receive no per diem for periods of leave. The traveler bears any extra expense caused by the interruption.

6 FAM 133.2 Time Limitations on Performance of Travel and Transportation

6 FAM 133.2-1 Appointment, Transfer, or Leave at U.S. Government Expense

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

a. The actual departure of an employee under a travel authorization may be directed by administrative determination. The family and effects may accompany, precede, or follow the employee. However, after the employee completes travel pursuant to the authorization, unless the time limitation is extended, the actual departure of all members of the family and the shipment of all effects are not deferred more than 12 months on international travel, or six months for domestic (stateside) travel. When only domestic travel is involved, (Handbook 19 for USAID) may require issuance of a new travel authorization within the subsequent fiscal year, even within the six-month period. If no travel of the employee is involved in connection with an appointment, the actual departure of all members of the family and the beginning of transportation of all effects is not deferred more than six months after the employee enters on duty.

b. Unless waived by the appropriate officials in the headquarters agency, any employee appointed for a 12-month tour of duty abroad must have eligible family members travel and shipment of effects commence within *three* months. If the agency extends this *three*-month time limitation for eligible family members to travel or to ship effects, the employee's tour of duty is extended so that the employee and eligible family members remain at post at least *one* year after the eligible family members' arrival. A repayment agreement is required of the employee in accordance with 6 FAM 126.2-4. For liquidation or refund of repayment, see 6 FAM 126.2-6.

6 FAM 133.2-2 Separation From the Service

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. When an employee is separated from the Foreign Service and qualifies for travel and shipment of effects in accordance with 3 FAM, the actual departure of the employee, the departure of the employee's family, and the transportation of all effects shall not be deferred more than 12 months (*six* months if only domestic travel is involved). The time limitation will be calculated from the employee's last day in pay status, unless an earlier or later limitation is specified in the travel authorization or the time limitation is extended. Such later time limit or extension shall not exceed 18 months after the employee's last day in pay status.

b. If travel or transportation of effects is interrupted for personal convenience in connection with a separation, the final departure of persons and effects from any point(s) of interruption must take place within the time limitation specified in the separation order.

c. When only domestic travel is involved, *it* may require issuance of a new travel authorization in the subsequent fiscal year, even within the six-month period.

6 FAM 133.2-3 Limitation on Interrupted Travel and Transportation

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

When travel or transportation of effects is interrupted for the convenience of the traveler for an aggregate period in excess of 12 months, expenses for travel or transportation shall be allowable only to the last point of interruption unless additional delay is specifically authorized. For separation, see 6 FAM 133.2-2.

6 FAM 133.3 Return to Post Before Completion of Temporary Duty Assignment

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

Transportation expenses to an employee's designated post of duty and per diem en route are allowable whenever the employee becomes incapacitated because of illness or injury, not due to employee's own misconduct, while en route to or while at the temporary duty station before completion of temporary duty assignment (; see 6 FAM 155.5-3 for per diem payable during illness or injury).

6 FAM 133.4 Rest Stop

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Any scheduled flights in excess of 14 hours on a usually traveled route, including scheduled stopovers when traveling by less than premium-class accommodations, may be interrupted for a rest period of up to 24 hours. The point of interruption should be midway in the journey or as near to it as the schedule permits. Per diem and necessary miscellaneous expenses are authorized.

b. Rest stops are not authorized when indirect travel is performed.

c. Rest stops are not authorized for travelers using premium-class accommodations, except when certified as necessary by competent medical authority.

6 FAM 133.5 Time Zone Dislocations

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Travelers flying on a direct route, without interruption, except for flight connections, with a difference of five or more time zones between authorized points of travel should, whenever possible, arrange departure to allow arrival at destination a full day before commencing duty.

b. When the flight is of such duration that it includes an authorized rest stop, as provided in section 6 FAM 133.4, the same efforts should be made to allow arrival at destination a full day before commencing duty, provided there is a difference of five or more time zones between the rest stop and the destination point.

c. In cases meeting the criteria *in either paragraph a or b in this section*, excused absence without charge to leave may be granted for any part of the 24-hour adjustment period following arrival at the duty point which happens to fall within working hours.

d. Per diem during the adjustment period is payable to temporary duty travelers, including eligible family members authorized to travel at U.S. Government expense when accompanying employees to temporary duty points, in accordance with 6 FAM 126.5.

6 FAM 134 USE OF U.S.-AND FOREIGN-FLAG VESSELS

6 FAM 134.1 Policy

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

In accordance with the provisions of the Merchant Marine Act of 1936, travel and transportation of effects shall be on vessels registered under the laws of the United States where such vessels are available unless the necessity of the mission requires use of a vessel under a foreign flag.

6 FAM 134.2 Foreign-Flag Vessels

6 FAM 134.2-1 When Permissible

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

- a. See also 6 FAM 131.2.
- b. When travel by vessel is authorized or permitted under 6 FAM 131.2, paragraph b, a foreign-flag vessel may be used only if:
 - (1) U.S.-flag vessels do not operate between the ports servicing the points of origin and destination which are reasonably accessible by adequate surface transportation; or
 - (2) U.S.-flag vessels do operate, but space or service is unavailable and the traveler would be delayed more than 15 days awaiting available U.S.-flag service, or a period of time deemed inadvisable for medical or safety reasons.
- c. When possible, make payment by using excess foreign credits or currency owned by the United States or from USAID trust funds.

6 FAM 134.2-2 Routing

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

When use of a foreign-flag vessel is permissible under the conditions stated in 6 FAM 134.2-1, such use should be limited to the maximum extent possible by:

(1) Using an available U.S.-flag vessel to the farthest interchange point from which a foreign-flag vessel provides service to complete the journey; or

(2) Using a foreign-flag vessel to the nearest interchange point from which an available U.S.-flag vessel provides service to complete the journey.

6 FAM 134.2-3 Documentation

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

a. In circumstances covered by 6 FAM 134.2-1, an authorizing officer or traveler will certify to the facts involved and a copy of such certification must also be included with the travel voucher (; see 6 FAM 135 Exhibit 135.12).

b. When travel by vessel is authorized under 6 FAM 131.2, the Medical Director of the Department of State (M/DGP/MED) must certify to the fact that use of air transportation would be hazardous or detrimental to the traveler's (employee's or family member's) health or well-being. Travelers departing from the United States must obtain the required certification directly from M/DGP/MED. Travelers departing from a post abroad will submit a request for the required certification to M/DGP/MED with a recommendation by the post medical officer or medical adviser. The *medical director's* certification must be included with the employee's travel voucher.

6 FAM 134.2-4 Accompanying Family Members

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

If the employee or any member of the employee's family is authorized or permitted to travel by vessel under the conditions stated in 6 FAM 131.2, all members of the family accompanying the employee or accompanying such family member are also permitted to travel aboard the foreign-flag vessel.

6 FAM 134.3 Use of Freight Vessels

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

Employees and family members are not required to travel by freight vessels. However, when freight vessels are used, the rules pertaining to travel on U.S.- and foreign-flag passenger vessels shall apply.

6 FAM 134.4 Penalty for Failure to Comply

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

Failure to comply with the provisions of 6 FAM 134 will subject the employee to personal financial responsibility. Section 901(a) of the Merchant Marine Act of 1936 also vests in the Comptroller General of the United States special enforcement responsibilities.

6 FAM 135 USE OF U.S. -FLAG AND FOREIGN AIR CARRIERS

6 FAM 135.1 Necessary Use of Foreign Air Carrier

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

a. Use of foreign air carrier service may be deemed necessary if a U.S.-flag air carrier otherwise available cannot provide the air transportation needed, or use of U.S.-air carrier service will not accomplish the agency's mission.

b. The traveler must prepare a certification and justification per 6 FAM 135.12 (and 6 FAM 135 Exhibit 135.12) and be prepared to pay a penalty under 6 FAM 135.14 if it is later determined that use of a foreign air carrier was not necessary to accomplish the agency's mission. The burden of demonstrating compliance and necessity remains with the traveler.

6 FAM 135.2 Availability of U.S.-Flag Air Carrier Service

(TL:GS-59; 10-01-1999)
(Uniform State/USAID/Commerce/Agriculture)

U.S.-flag air carrier service is considered available even though:

(1) Comparable or a different kind of service can be provided at less cost by a foreign air carrier;

(2) Foreign air carrier service is preferred by or is more convenient for the agency or traveler; or

(3) Service by a foreign air carrier can be paid for in excess foreign currency, unless U.S.-flag air carriers decline to accept excess or near excess foreign currencies for transportation payable only out of such monies (see 6 FAM 135.13).

6 FAM 135.3 Scheduling Principles

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

Except as provided in 6 FAM 135.1, U.S.-flag air carrier service must be used for all U.S. Government-financed commercial foreign air travel if service provided by such carriers is available. In determining availability of U.S.-flag air carrier service, follow the scheduling principles below unless their application results in the last or first leg of travel to or from the United States being performed by foreign air carrier:

(1) When departing the United States, use U.S.-flag air carrier service available at point of origin to destination or, in the absence of direct or through service, to the farthest interchange point on a usually traveled route;

(2) When leaving a foreign origin or interchange point that is not served by U.S.-flag air carrier, use foreign air carrier service only to the nearest interchange point on a usually traveled route to connect with U.S.-flag air carrier service;

(3) Where a U.S.-flag air carrier involuntarily reroutes the traveler via a foreign carrier, the foreign air carrier may be used notwithstanding the availability of alternative U.S.-flag air carrier service;

(4) When traveling either to or from the United States through an interchange point abroad, U.S. flag air carrier service does not have to be utilized between the two points abroad if it would require travel during normal sleeping hours (12:00a.m.—6:00a.m.) and a foreign flag carrier provides service during other hours. When a U.S. flag carrier provides direct service (no change of plane) that originates or terminates in the United States, it is considered available for Fly America Act purposes, even if the traveler is required to fly during normal sleeping hours.

6 FAM 135.4 Unavailability of U.S.-Flag Air Carrier Service To or From United States

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Normally, all travel into and out of the United States will be performed on certificated U.S.-flag carriers. However, for travel between a gateway airport in the United States and a gateway airport abroad, or for travel between a gateway airport abroad and a gateway airport in the United States, passenger service by a U.S.-flag air carrier need not be considered available when:

(1) The gateway airport abroad is the traveler's origin or destination airport, and the use of the U.S.-flag air carrier service would extend the time in travel status by at least 24 hours more than travel by foreign air carrier.

(2) The gateway airport abroad is an interchange point and the use of U.S.-flag air carrier service would require the traveler to wait six hours or more to make connections at that point, or

(3) Delayed departure from or accelerated arrival at the gateway airport in the United States would extend the traveler's time in a travel status by at least six hours more than travel by foreign air carrier.

b. See 6 FAM 135 Exhibit 135.4 for examples.

6 FAM 135.5 Determining Unavailability of U.S.-Flag Air Carrier Service Travel Between Two Points Outside United States

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. These unavailability rules are only applicable to travel abroad, not travel to or from the United States. See 6 FAM 135.6 for exceptions.

b. For travel between two points, both of which are outside the United States, passenger service by U.S.-flag air carrier will not be considered to be reasonably available:

(1) If travel by foreign air carrier would eliminate two or more aircraft changes (at points abroad) en route; (this is self-explanatory, though it must be emphasized that the aircraft changes must be at interchange points abroad, not in the United States);

(2) Where one of the two points abroad is the gateway airport en route to or from the United States, if the use of a U.S.-flag air carrier would extend the time in travel status by at least six hours more than travel by foreign air carrier, including accelerated arrival at the foreign destination or delayed departure from the foreign origin as well as delay at the gateway airport or other interchange point abroad. This test is used for getting to or from the foreign gateway interchange point and deciding whether a U.S. carrier is unavailable or not to or from that location from or to another point abroad. If the employee is going from City A to London (the gateway interchange point abroad) via a U.S. carrier that keeps him or her in travel status for 16 hours (excluding rest stop time), and the traveler can get a foreign flag to carry him or herself there in less than 10 hours, then the traveler may consider the U.S.-flag carrier as unavailable and use the foreign flag;

(3) Where the travel is not part of trip to or from the United States, if the use of a U.S.-flag air carrier would extend the time in a travel status by at least six hours more than travel by foreign air carrier including delay at origin, delay en route and accelerated arrival at destination (when traveling between two points abroad, if use of a foreign-flag carrier will reduce total travel status time by six hours over the U.S.-flag carrier, then the traveler may use the foreign-flag carrier).

6 FAM 135.6 Travel Between Two Points Outside United States

(TL:GS-59; 10-01-1999)
(Uniform State/USAID)

- a. The following are the statutory exceptions to the Fly America Act.
- b. 49 U.S.C. App. Sec. 1518 (Pub. L. 95-426, 92 Stat. 992) provides that notwithstanding Section 1117 of the Federal Aviation Act of 1958 (49 U.S.C. App. Sec. 1517, The Fly America Act), funds appropriated after October 7, 1978, to the Department of State *and* the U.S. Agency for International Development may be used to pay for the transportation, between two places both of which are outside the United States, of officers, and employees of those agencies, their eligible family members, and accompanying baggage, aboard non-certificated air carriers, i.e., foreign-flag carriers. This section is not intended to allow the use of foreign air carriers on an unlimited basis but to provide flexibility when necessary and when use of U.S. carriers would not be prudent for the proper conduct of U.S. Government business. All travelers should attempt, to the extent practicable, to use certificated U.S. carriers when flying between two points abroad and even though they may be able to claim this exception. This section may not be used by the traveler to avoid meeting the requirements of the Fly America Act when a foreign carrier transits the United States and is in direct competition with U.S.-flag carriers competing along the same routes entering and leaving the United States.

c. This exception is applicable only to those named agencies. It does not include Department of Commerce employees or other agencies who may have Foreign Service personnel but are not named in the legislation. If the travel between two points abroad entails an interchange, transfer or stop in the United States, then the exception does not apply and travelers must abide by the usual Fly America Act requirements, especially for travel into and from the United States per 6 FAM 135.4.

6 FAM 135.7 Short-Distance Travel

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

For all short-distance travel, regardless of whether it is to or from the United States or between two points outside the United States, U.S. air carrier service need not be considered available when the elapsed travel time on a scheduled flight from origin to destination airport by foreign air carrier is *three* hours or less and service by U.S. air carrier would involve twice such travel time.

6 FAM 135.8 Air Transport Agreement

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Nothing in these guidelines shall preclude, and no penalty shall attend, the use of a foreign air carrier which provides transportation under an air transportation agreement between the United States and a foreign government, the terms of which are consistent with the international aviation policy goals set forth at 49 U.S.C. Sec. 1502(b) and provide reciprocal rights and benefits.

b. See also 6 FAM 135.13, paragraph b.

6 FAM 135.9 Travel of Unaccompanied Children 16 Years of Age and Under

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Unaccompanied children (16 years of age or younger at the time of flying) who would have to change airports at an interchange point, over-night at such points, or experience unnecessary delays at an interchange point, may consider U.S. air carrier service as unavailable if a foreign-flag carrier can accomplish the same travel more conveniently.

b. The intent of this section is to allow minor dependent children traveling alone, the flexibility of using the best method of travel that would ensure their safe and speedy passage.

6 FAM 135.10 Emergency Visitation or Medical Evacuation Travel

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

When it has been determined that delay would be detrimental to the health of the traveler (an employee or eligible family member or other U.S. Government traveler) or when traveling under emergency visitation or medical evacuation orders (certified by competent medical authority in the case of medical evacuation) then U.S.-flag carriers may be considered unavailable if more expeditious routing is available on a foreign carrier. Travel of medically authorized attendant(s) is also authorized, if need is certified by M/DGP/MED or *regional medical officer*. The authorizing officer must provide a statement to the traveler outlining the urgent travel requirement and the reason why U.S.-flag air carriers were not considered available. The traveler will file the statement with the travel voucher. Return travel is to be performed in accordance with instructions contained in 6 FAM 135.2 should the medical need no longer be present.

6 FAM 135.11 Denied Boarding by U.S.-Flag Carrier

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

When an official traveler is denied boarding by a U.S.-flag carrier, the traveler may accept a seat provided by the airline's representative on a foreign-flag flight, notwithstanding the availability of alternate U.S.-flag air carrier service. This provision also applies to cases where a traveler is denied boarding while on indirect travel or annual leave which is taken in conjunction with TDY, home leave, or transfer travel. The traveler should attempt to get a statement of the denied boarding from the airline representative to file with the traveler's travel voucher.

6 FAM 135.12 Justification of Foreign-Flag Carrier

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

Whenever a foreign-flag air carrier is used for any reason, including when U.S.-flag air carrier service does not operate between two points, the traveler and/or the authorizing officer shall prepare a statement either in the travel voucher or an attachment, adequately explaining and justifying the use of foreign-flag air carriers (; see 6 FAM 135 Exhibit 135.12). The use of foreign-flag carriers may be authorized or approved only when:

(1) U.S.-flag carrier service is not available as determined under the guidelines set forth in 6 FAM 135.5; or

- (2) Use of foreign carriers is necessary under 6 FAM 135.1; or
- (3) Conditions set forth in 6 FAM 135.13 apply; or
- (4) Exception contained in 6 FAM 135.6 applies.

6 FAM 135.13 Payment in Foreign Currency

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Legislative authority for certain programs and activities prohibit the expenditure of U.S. dollars for travel or other official purposes. In such instances, where foreign currency (either excess, near-excess, or non-excess) necessarily must be used for travel and where U.S.-flag air carriers do not accept such currency, travel may be performed to the extent required on carriers which do accept such currency since under these circumstances the travel could not otherwise be performed. The statement of justification required under 6 FAM 135.12 must indicate that the transportation service needed can be paid for only in excess foreign currencies and that otherwise available U.S.-flag air carriers declined to accept payment in the foreign currencies.

b. **USAID Only:** In a few special cases, the country-to-country bilateral agreements specify conditions under which travel financed by trust funds must be performed on national airlines of the host country. In such cases, travel on the foreign-flag air carrier is authorized to the extent specified in the agreement. See also 6 FAM 135.8.

6 FAM 135.14 Traveler's Financial Responsibility

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

For indirect travel or when the traveler otherwise fails to use available U.S.-flag air carrier service, the amount charged to the traveler is to be based on the loss of revenues suffered by U.S.-flag air carriers. Travelers should not be held liable for minor variations when the differences in distance are relatively small and difficult to measure. Use the following formula to determine the amount to charge the traveler (; see also 6 FAM 135 Exhibit 135.12):

Sum of certificated carrier segment mileage, authorized

DIVIDED BY

Sum of all segment mileage, authorized

MULTIPLIED BY

Fare payable by Government

MINUS

Sum of certificated carrier segment mileage, traveled

DIVIDED BY

Sum of all segment mileage traveled

MULTIPLIED BY

Through-fare paid

6 FAM 135.15 Code Share Flights

(TL:GS-59; 10-01-1999)

(Uniform State/USAID/Commerce/Agriculture)

a. Code share flights, in most cases, qualify as U.S. certificated service and therefore comply with the Fly America Act. How do we distinguish a code share flight? Usually a foreign carrier airplane is used for code share flights. To meet code share restrictions, service from the foreign carrier must be offered as coming from a U.S. *carrier* (in particular, it has a U.S. flight number such as NW 67) and the ticket (either U.S. carrier stock, or generic stock) must be issued and validated under the U.S. carrier's name and code number. The issuing carrier's name appears in the upper left hand corner of the ticket on computer written tickets and in the lower right hand corner on hand written tickets. These numbers will be easily recognized by comparing them to the list provided below. If the code share flight and ticket meet the criteria described here, then it is considered a U.S.-flag air carrier service. The code number that identifies each airline is a three-digit number that is often used as a prefix for a longer series of numbers. For example, American Airlines has a prefix number of 001. On a typical ticket it might be described as document number 001 132514366. The names and code number of all the major U.S. carriers are listed below:

AMERICAN.....	001
CONTINENTAL	005
DELTA	006
NORTHWEST.....	012
TWA.....	015
UNITED.....	016
USAIRWAYS.....	037

b. Under these guidelines, Department administrative personnel as well as the average traveler should be able to determine if he or she is using a U.S. carrier by a quick review of the ticket. If there is any uncertainty, please contact the Department's Travel Regulations Office at A/LM/OPS/TTM.

6 FAM 136 THROUGH 139 UNASSIGNED

6 FAM 135 Exhibit 135.4 UNAVAILABILITY TESTS

(TL:GS-59; 10-01-1999)

Use these tests for unavailability of a U.S.-flag carrier:

- (1) When a U.S. carrier services the employee's destination or origin abroad, and yet there are other foreign flag carriers which are just as direct but their use would save at least 24 hours of travel status time.

For example:

If the employee is on TDY and departing post for home in Washington, D.C., he or she may take a foreign-flag carrier if it will save more than 24 hours of travel status time (per diem) by taking the foreign-flag rather than the U.S.-flag carrier to the United States.

In situations when the traveler can be flexible, e.g., post assignment travel or any non-urgent travel, the traveler is expected to use the U.S.-flag carrier and begin travel when a U.S. carrier is available.

- (2) Going out of the United States, if the traveler would have to wait *six* hours or more at the gateway airport abroad before connections can be made with any interchanging air carrier, he or she may consider the U.S. carrier providing service from the gateway airport in the United States as unavailable. Going into the United States, a traveler may take a foreign-flag carrier if the United States carrier requires waiting for more than *six* hours at the interchange point. If a foreign-flag carrier can reduce this time or is the next available flight after waiting *six* hours, then it may be taken into the United States. Simply put, the traveler should not have to wait for more than *six* hours for a connecting flight. However, the traveler, in planning or scheduling his or her travel, should always look for an alternative interchange point that would not result in waiting more than *six* hours for a U.S. carrier.

For example:

Traveler leaves X City at 0900 via a foreign-flag carrier to London, the interchange point, and arrives at London at 1200. A U.S. carrier departs for Washington, D.C. at 1830. He or she may consider the carrier as unavailable if there is an earlier foreign-flag carrier leaving at, for example, 1500. If a foreign-flag carrier is available only after 1830, then it may not be taken as it would not reduce waiting time at the interchange point. If the next available flight is a U.S. carrier, then the traveler must use it, as a foreign-flag carrier would only extend his or her waiting time at the connection point.

Continuation—6 FAM 135 Exhibit 135.4

NOTE: When these availability guidelines result in the use of a foreign carrier on the last or first leg of travel to or from the United States, alternate interchange points must be considered for the scheduling of the travel as provided in 6 FAM 135.4 so that the last or first leg of travel to or from the United States can be performed by a U.S. carrier under the availability guidelines.

- (3) When the traveler's time in travel status is increased by more than *six* hours if:
- (a) The traveler waits to take a U.S. carrier at the U.S. gateway instead of a foreign-flag carrier, or
 - (b) The traveler arrives at the U.S. gateway from abroad earlier than necessary for a connection.

For example:

This test might be used when the U.S. carrier arrives in New York (U.S. gateway interchange point) at such a time that there are no immediate shuttle flights to Washington, D.C. or connecting flights to the home leave destination, etc., and the traveler's time in travel status is extended by more than *six* hours over use of the best available foreign flag flying to New York or Washington, D.C., or the home leave destination (see Note above).

6 FAM 135 Exhibit 135.12
USE OF FOREIGN-FLAG
AIR CARRIER OR VESSEL

(TL:GS-59; 10-01-1999)

FORMAT FOR JUSTIFICATION CERTIFICATE FOR USE OF A
FOREIGN-FLAG AIR CARRIER OR VESSEL

(Date)

I certify that it (is)/(was) necessary for _____
(Name of traveler or agency)

to use _____
(Name of foreign-flag air carrier(s) or vessel(s))

_____ or to transport
(Flight identification number)

_____ (Personal effects) _____ (Freight)

between _____ and _____

en route from _____ to _____

on _____ for the following reasons:

(Date)

(Date)

(Signature of traveler or authorizing official)

(Organization)

(NOTE: If this justification is not submitted with the employee's travel reimbursement voucher, or a statement in the travel voucher, the employee may be liable for the total cost of the foreign flag air fare segment(s). If this justification is not submitted with freight documentation, the authorizing officer may be liable for the total cost of the foreign flag air segment(s).)

Continuation—6 FAM 135 Exhibit 135.12

HYPOTHETICAL EXAMPLE OF A TRAVELER'S FINANCIAL RESPONSIBILITY INVOLVING INDIRECT TRAVEL USING FOREIGN AND U.S.-FLAG CARRIERS

AUTHORIZED TRAVEL:	Hong Kong to Washington, D.C.	
AUTHORIZED FARE:	\$856.00.	
AUTHORIZED MILES:		
Hong Kong—San Francisco	9,162 miles (U.S. Flag)	
San Francisco—Wash., D.C.	2,419 miles (U.S. Flag)	
Total	11,581 miles (U.S. Flag)	
11,581 divided by 11,581 = 1 x \$856.00		\$856.00
MINUS		
ACTUAL TRAVEL:	Hong Kong—London—Washington, D.C.	
VALUE OF TICKET:	\$1,158.00	
ACTUAL MILES:		
Hong Kong—London	8,743 miles (Foreign Flag)	
London—Wash., D.C.	3,658 miles (U.S. Flag)	
Total	12,401 miles	
3,658 divided by 12,401 = .29 x \$1,158.00		-\$335.82
Amount assessed for non-use of U.S. Flag; i.e., loss of U.S. Flag revenue		\$520.18
<hr/>		
Amount assessed for non-use of U.S. Flag:		\$520.18
Amount assessed for indirect travel:		
	\$1,158.00 less \$856.00	<u>\$302.00</u>
Total amount assessed:		<u>\$822.18</u>